



U.S. Department of Justice

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February 6, 2012

**FILED AND SERVED BY THE COURT'S
ELECTRONIC CASE FILING SYSTEM**

The Honorable William C. Griesbach
United States District Judge
Eastern District of Wisconsin

Re: *United States and the State of Wisconsin v. NCR Corp., et al.*,
Case No. 10-C-910 (E.D. Wis.)

Dear Judge Griesbach:

On December 29, 2011, counsel for Defendant Menasha Corporation submitted a letter request (Dkt. 282) that the Court set oral argument on the Plaintiffs' Joint Motion to Enter Consent Decree with Brown County, the City of Green Bay, and Settling Federal Agencies (the "Proposed Consent Decree") (Dkt. 173). By a docket entry made on January 17, 2012, that oral argument currently is set for February 16, 2012, when counsel for many of the defendants in this case will be before the Court for the final pretrial conference in *Appleton Papers Inc. v. George A. Whiting Paper Co., Inc.*, E.D. Wis. No. 08-C-16.

The United States respectfully requests that the Court defer oral argument on the Plaintiffs' Joint Motion to Enter the Proposed Consent Decree and also defer any action on the Proposed Consent Decree until at least April 2, 2012. That delay in proceedings concerning the Proposed Consent Decree will afford the United States time to assess whether to take steps to appeal or otherwise respond to the Court's recent Order in a related Freedom of Information Act lawsuit brought against the United States by Menasha Corporation ("Menasha") and the Neenah-Menasha Sewerage Commission ("NMSC"). Menasha and NMSC have filed a copy of that Order in this case (Dkt. 300-1) along with a request that the Court take judicial notice of the Order in this action (Dkt. 300).

The State of Wisconsin joins the United States in making this request. Counsel for Menasha and NMSC also have informed the undersigned counsel for the United States that they support this request to defer oral argument and any other action on the Proposed Consent Decree until at least April 2, 2012.

After the close of the upcoming trial in the *Whiting* case, the United States and the State will confer with the other parties and report to the Court with a proposal for any action on the Proposed Consent Decree after April 2, 2012.

Respectfully submitted,

A handwritten signature in blue ink that reads "Randall M. Stone". The signature is written in a cursive, flowing style.

Randall M. Stone
Senior Attorney